

ALBANIA

Albania is a republic with a multiparty Parliament, and a Prime Minister and a President both elected by Parliament. The Prime Minister heads the Government; the Presidency is a largely ceremonial position with limited executive power. In 2003, local elections were held throughout the country, which were judged to be an improvement over previous elections, with only a few isolated incidents of irregularities and violence. The Constitution provides for an independent judiciary; however, corruption and political pressure limited its ability to function independently and efficiently.

Local police units report to the Ministry of Public Order and are responsible principally for internal security. The military forces have a special 151-person "commando" unit, which operates in an antiterrorist role under the Minister of Defense. During times of domestic crisis, the law allows the Minister of Public Order to request authority over this unit. The State Intelligence Service (SHISH) is responsible for both internal and external intelligence gathering and counterintelligence. Civilian authorities generally maintained effective control over the security forces. Some members of the security forces committed human rights abuses.

The country had a mixed economy that was in transition from central economic planning to a free market system. The country continued to experience slow but steady economic progress; the economy grew by 6 percent. However, approximately 25 percent of the population of approximately 3.1 million lived below the poverty line. According to the Government, the unemployment rate was 15.2 percent; however, some unofficial reports put it as high as 22 percent. The average inflation was 3.2 percent and public sector wages increased by 10 percent.

The Government generally respected the human rights of its citizens; however, there were serious problems in several areas. Police beat and abused suspects, detainees, and prisoners. Prison conditions remained poor. The police occasionally arbitrarily arrested and detained persons, and prolonged pretrial detention was a problem. Official impunity was a problem. The Government occasionally infringed on citizens' privacy rights. Political interference in the media occurred less frequently than in previous years. Police reportedly used excessive force against protestors. Individual vigilante action, mostly related to traditional blood feuds, resulted in

some killings and an atmosphere of fear in some areas of the country. Societal violence and discrimination against women and children were serious problems. Societal discrimination against Roma, the Egyptian community, and homosexuals persisted. Child labor was a problem. Trafficking in persons remained a problem, which the Government took some steps to address.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no political killings; however, security forces killed one person during the year.

In July, Erigert Ceka, a 17-year-old minor, died as a result of being beaten by police while in detention. As a result of the death, the prosecutor initiated criminal proceedings against two police guards who were charged with committing "arbitrary actions." In November, one guard was sentenced to a 6-month prison term for committing arbitrary actions in violation of the law while escorting detainees, and in December, the other police guard was sentenced to an 8-month prison term for violating the rules of guard service under the military code and misuse of duty. The cases were being appealed at year's end; however, the court did not hold anyone accountable for Ceka's death.

Unlike in previous years, there were no reported deaths due to land mines. However, there were six deaths from mine-related accidents including a cluster bomb in a training facility that killed two and injured several, and a antitank mine that killed four others, three of whom were children.

The country continued to experience high levels of violent crime. Many killings continued to occur as the result of individual or clan vigilante actions connected to traditional "blood feuds" or criminal gang conflicts. According to the Ministry of Public Order, at least 10 individuals were killed during the year in blood feuds, which are based on the medieval Code of Lek Dukagjini (the kanun), which was practiced by individuals particularly in the northern part of the country. Under the kanun, only adult males are acceptable targets for blood feuds; however, women and children often were killed or injured in the attacks. As a result of blood feuds, during the year, 670 families were self-imprisoned, 650 families accepted

legal procedures rather than personal vendettas for resolving the conflict, and 54 families were living under protection outside of the country; 160 children were prevented from attending school due to fear of revenge, of which 73 were considered to be in serious danger. This was a decrease from 2003 when it was estimated that there were 1,370 families self-imprisoned at home and 711 children prevented from attending school due to fear of revenge. Land property conflicts and issues related to human trafficking remained the main reasons forcing families to enter into blood feuds. In August, Emin Spahija, the head of the Non-Government organization (NGO) Peace Missionaries League that worked exclusively on blood feud issues, was murdered near his house in the city of Shkodra. Police have not apprehended any suspects in the murder.

Blood feud cases were adjudicated in the Court of Serious Crimes. Cases of blood killings carry a sentence of 20 years or life imprisonment. Although blood feud prosecution rates were not available, estimates indicated that 60 to 65 percent of all cases were brought to court and nearly all of them ended up at the appellate level.

b. Disappearance

There were no reports of politically motivated disappearances.

Three former officials of the SHISH, who were arrested in 2003 in connection with the kidnapping of Ziso Kristopulli and Remzi Hoxha in 1995, were released (one in 2003 and two in May) for lack of evidence and the case was suspended. Although Kristopulli was eventually released, the whereabouts of Hoxha remained unknown.

Human rights groups, including the Albanian Helsinki Committee (AHC) and the Albanian Human Rights Group (AHRG), have questioned the release of the SHISH officials and the suspension of the disappearance case. In November, the NGOs organized a press event and Amnesty International wrote a letter to the Prime Minister requesting that the case be reopened. No actions have taken place so far.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such actions; however, the police at times beat and tortured suspects. The AHC and the AHRG continued to report that police forces nationwide used torture

and inhumane or excessive treatment; however, both noted that the number of cases decreased during the year. According to the AHRG, most mistreatment took place at the time of arrest or initial detention. Roma and members of the Egyptian community were particularly vulnerable to police abuse (see Section 5). In February, according to the AHRG, Niko Puriqi accused the Permeti Chief of Criminal Police of beating him during pretrial detention. The police medical examiner verified Puriqi's allegations. Puriqi initially was accused of theft, although the police later dismissed the charges. In March, the Chief of Criminal Police received a warning.

In October, Stathi Lako, a 31-year-old man from Korca, was detained and allegedly mistreated in pretrial detention by three police officers and the Chief of Office of Serious Crimes, Bajram Hyka. According to AHC, Lako's involvement with Hyka's daughter was the reason for the detention. The prosecutor's office has not initiated an investigation of the case.

In June, Beqir Kaba filed a complaint based on allegations of illegal arrest and maltreatment by two police officers of Dibra police commissariat. Following the Ombudsman Office's intervention, the two police officers were temporarily suspended from work.

In December 2003, the investigation into the 2003 beating of Behar Dedolli by the police was transferred to the military police and later suspended due to lack of evidence.

In 2003, Romeno Nexhipi alleged that Fier police beat him after they asked him to accompany them to the police station. He was sent to the hospital for treatment, then taken to the police station where he was held overnight. Nexhipi was subsequently charged with disturbing the peace and assaulting a police officer; however, the case was suspended at the year's end.

Alnor Hasa, former Chief of Criminal Police accused of beating a detainee in 2002, was sentenced to 2 years' imprisonment. There were no developments in the April 2002 Pergjini assault case, which alleged that three brothers were arrested and beaten by police in reprisal for a dispute with the officers. The 2002 Azgan Haklaj assault case, in which charges were filed against four police officers accused of assaulting Haklaj during his 2001 arrest, was suspended by the prosecutor's office during the year.

At times police abused and tortured juvenile detainees (see Section 1. a.). According to the Children's Rights Center of Albania (CRCA), police sometimes used threats, violence, and torture to extract confessions from minors. In 2003, according to the AHRG, police used violent means against three minors from Korca, who were witnesses in a trial, in order to manipulate their testimony to favor the prosecutor. No actions were taken against the police officers. The prosecutor charged Gjergji Dabulla with the trafficking of the three minors and continued to use evidence in the case allegedly extracted from the minors by violent means.

The AHRG claimed that police targeted the country's homosexual community. According to the General Secretary of Gay Albania, the police often arbitrarily arrested homosexuals and then physically and verbally abused them while they were in detention. In October, the General Secretary of Gay Albania claimed that he was refused citizenship because he was homosexual.

There were reports that police beat protesters during the year (see Section 2.b.).

Conditions inside the prisons and detention centers remained poor, despite government efforts to address problems such as poor facilities and overcrowding as well as efforts to transfer convicted inmates from detention centers to prisons. According to the European Union's Judicial Reform, Asylum and Migration Operations Section, detainees had limited access to bathroom and showering facilities, and insufficient food; in some cases, space and privacy limitations kept them from engaging in religious practices. Access to employment opportunities for prisoners did not exist. The prison staff was poorly trained. During the year, prisoners and detainees rioted in Vlora, Lezha and Lac and held hunger strikes in pretrial detention centers in Elbasan, Corovoda, Korca, Malesia e Madhe and in prisons in Tirana and Burrel to protest poor living conditions, slowness of prisoner transfers from pretrial detention cells to prison facilities and the absence of prison employment. There were no reports of injuries or death from riots.

Overcrowding remained a serious problem. This caused substandard living conditions for prisoners and significant security problems for the police forces. According to the Ministry of Public Order the country's overall space capacity for all pretrial detention facilities amounted to 803, but the actual number of detainees was 1,239. In July, the Ministry of

Justice decided to transfer all convicted felons to prisons; however, 188 convicted felons still remained in pretrial detention centers at year's end.

Unlike in previous years, no felons committed suicide.

The transfer of jurisdiction from the Ministry of Public Order to the Ministry of Justice of all pretrial detention centers mandated by a 2001 law was only partially fulfilled with the pretrial detention centers of Tirana and Vlora transferred to the Ministry of Justice by year's end.

Police separated men from women in pretrial detention centers and prisons. According to NGOs monitoring prison conditions, Prison 325 for women in Tirana lacked facilities for newborns of those women prisoners who were pregnant at the time of incarceration. Pretrial detainees were not separated from convicted prisoners, and juvenile detainees were not separated from adults due to overcrowding.

The Ministry of Justice reported that 49 minors were serving prison sentences: 31 in pretrial detention centers in the Ministry of Justice-run centers in Tirana and Vlora and 18 in Vaqarr--the only prison in the country that has a special wing for juveniles. Overall, there were 39 minors held in pretrial detention centers excluding those in Tirana and Vlora. The CRCA noted that juveniles at Vaqarr were mixed with adult prisoners for showers and leisure activities. As a result, there were several reports of sexual abuse of juveniles during the year. According to the CRCA, all minors were denied education in the pretrial detention system; the Government had not responded to the concern by year's end.

Unlike in previous years, there were no minor girls serving sentence in Prison 325 for women.

The Government permitted international human rights observers to visit both pretrial detention centers and prisons; there were no reports of refusals to permit access for inspections by domestic independent human rights monitors. The Government cooperated with the International Committee of the Red Cross (ICRC) and with other NGOs.

d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention; however, the police occasionally arbitrarily arrested and detained persons.

According to the Ministry of Public Order, there were 12,132 police officers in the Albanian State Police (ASP); the majority of police officers remained largely untrained, despite assistance received from foreign governments. A new restructuring of the ASP created two deputy directorates: One for operations and the other for administration. Operational Directorates included: Organized Crime and Witness Protection; Fight Against Terrorist Acts and Cold Cases; Public Order and Security; Territorial Control and Coordination; and Border Police and Migration. The overall performance of law enforcement remained weak. Unprofessional behavior and corruption remained major impediments to the development of an effective civilian police force. According to the Ministry of Public Order, only 40 percent of police officers received training beyond basic training. The State Police's Office of Internal Control could engage in the prevention, discovery and documentation of criminal activity committed by police and, during the year, pursued investigations leading to the arrest of 52 police officials and the dismissal of 323 for various degrees of misconduct.

In its yearly tabulations, the People's Advocate--a government ombudsman charged with investigating citizen complaints of public officials' wrongdoing--reported that it handled 2,520 complaints, requests, and notifications related to all forms of public corruption and misconduct. Of those, 19 percent were determined to be legitimate and were forwarded to the appropriate authorities for further investigation. Among these 2,520 cases, the People's Advocate received 25 complaints against police officers for excessive force or maltreatment and determined that 7 were valid, 4 were outside their jurisdiction, 13 were groundless, and 1 was withdrawn; however, no further information on their status was available.

Corruption remained a problem among police forces and low salaries and widespread corruption throughout society made the problem difficult to combat. The State Police Office of Internal Control reported 223 cases of corruption to the Prosecutor's Office involving 230 police officers; 32 officers were arrested.

The 1995 Penal Procedures Code sets out the rights of detained and arrested persons. By law, a police officer or prosecutor

may order a suspect into custody. Detained persons must be informed immediately of the charges against them and of their rights and a prosecutor must be notified immediately after the police detain a suspect. Within 48 hours of the arrest or detention, a suspect must appear before a judge. The judge has an additional 48 hours to determine whether the suspect may continue to be detained. In some cases, detained persons have been kept in pretrial detention longer than 48 hours without a court decision on whether the prosecutor has sufficient evidence.

The court may order pretrial detention in especially serious cases that could pose a danger to society. Alternatively, a suspect may be placed under house arrest. Bail may be required if the judge believes that the accused otherwise may not appear for trial.

Legal counsel must be provided free of charge if the defendant cannot afford a private attorney; however, this right was not widely known and police often failed to inform suspects of it. Access to legal information remained difficult for citizens. There were numerous cases in which persons were illegally detained and were unable to contact their private attorneys. In some cases, the detainees, minors included, were interrogated without their defense attorneys present. The services offered by the state bar association were considered inadequate and at times lacking in professionalism.

During the year, the People's Advocate cited nine complaints of arbitrary arrests and illegal detention by the police, and specified that some of the complaints had merit and were forwarded to the prosecutor's office.

The Penal Procedures Code requires completion of pretrial investigations within 3 months; however, the prosecutor may extend this period by 3-month intervals in particularly difficult cases. Lengthy pretrial detention as a result of delayed investigations remained a serious problem. The accused and the injured party have the right to appeal these extensions to the district court. Some prisoners were held in pretrial detention even after their trial.

There were no confirmed cases of detainees held strictly for political reasons. The charges against Ekrem Spahia, Chairman of the Legality Movement Party, in connection with the 1998 murder of a Democratic Party parliamentarian were subsequently

dropped because he had parliamentary immunity, while the trial of 12 of his supporters remained pending at year's end.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, because of political pressure, intimidation, widespread corruption, bribery, and limited resources, much of the judiciary was unable to function independently and efficiently.

Tension continued between the police, prosecutors, and the judiciary particularly outside Tirana. Each side cited the failures of the other as the reason criminals avoided imprisonment; the courts accused the prosecutors and police of failing to provide the solid investigation and evidence necessary to prosecute successfully, and the police alleged that corruption and bribery tainted the courts. The Judicial Police were responsible, under the direction of prosecutors, for developing investigations initially conducted by the police.

The judicial system is composed of district courts of first instance, six courts of appeal, military courts of first instance and of appeal, and the High Court. There is also a separate and independent Constitutional Court. The High Court hears appeals from both the district courts and the courts of appeal, while the Constitutional Court primarily reviews those cases involving constitutional interpretation and conflicts between branches of government, and cases of individuals alleging denial of due process. The Serious Crimes Court and Serious Crime Court of Appeal became operational during the year and focused on increasing the effectiveness of the fight against organized crime and serious crimes and improving the quality of adjudication.

The President heads the High Council of Justice, which has authority to appoint, discipline, and dismiss judges of the courts of first instance and of the courts of appeal. Judges who are dismissed have the right to appeal to the High Court. In addition to the President, the Council consists of the Minister of Justice, the head of the High Court, nine judges of all levels selected by the National Judicial Conference, and three members selected by Parliament.

The President of the Republic appoints the 17 members of the High Court and the 9 members of the Constitutional Court with the consent of Parliament. Parliament has the authority to approve and dismiss the judges of the Constitutional Court and

the judges of the High Court. According to the Constitution, dismissal may be ordered based on violation of the Constitution, conviction of a crime, mental or physical incapacity, or commission of an act that seriously discredits judicial integrity and reputation. The dismissed judges have the right to appeal to the Constitutional Court.

The performance of the Bailiffs Office, the body that ensures that civil judgments are enforced, despite some improvements was poor and, as a result, many civil judgments were not implemented.

The country has no juvenile justice system, and children's cases frequently were presented to judges who had not received any education in juvenile justice. According to the CRCA, recent increases in the length of sentences given to juveniles were due to lack of training of judges in juvenile law.

The Constitution provides for the right to a speedy trial; however, limited material resources, lack of space, and case overload in many instances prevented the court system from processing cases in a timely fashion. Long case backlogs were typical, and resulted in suspects being detained for longer than legal limits (see Section 1.d.). Defendants, witnesses, and others who do not speak Albanian are entitled to the services of a translator. Defendants are entitled to a lawyer, and, under the law, the Government provides lawyers for indigent defendants, although the quality of representation varied. If convicted, the accused has the right to appeal the decision within 10 days to the Court of Appeals. During the year, a number of trials, including some of the country's most important ones, were held in absentia, for example: The trial against Altin Arapi, the alleged murderer of the driver of the Prosecutor General; the trial against 13 members, 7 of them in absentia, that organized trafficking in persons in January that resulted in the death of 29 persons; and the "Gaxhai" trial against 5 gang members, 4 of whom were being tried in absentia.

The trial system does not provide for jury trials; the prosecutor and the defense lawyer have the right to be present in front of a panel of three judges, and defendants have the right to all the evidence that will be considered by the judges.

There were no reports of political prisoners.

In July, the Parliament approved a new law on the restitution and compensation of the properties confiscated during the

Communist regime. Some former landowners, including religious communities, questioned the law's limitation on property restitution to 60 hectares in total. The Government has not established a monetary fund to be used for the purpose of compensation. The Ombudsman received 33 complaints related to property compensation disputes during the year.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions; however, at times, the Government infringed on these rights.

In June, 51 Roma families were forced to abandon their homes, because they blocked the implementation of the local municipality's territory regulation plan.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the media was active and largely unrestrained; however, there were serious, fundamental problems with the use of the media for political purposes. Political interference in the media occurred less frequently than in previous years. Publishers and newspaper owners continued to edit news stories to serve their own political and economic interests and sometimes to block ones that ran counter to those interests. Journalists continued to practice self-censorship. There was little transparency in the financing of media outlets.

Political parties, trade unions, and various societies and groups published their own newspapers or magazines. The independent media was active, but was constrained by limited professionalism and lack of finances. An estimated 200 publications were available, including daily and weekly newspapers, magazines, newsletters, and pamphlets. Three newspapers were published in Greek in the southern part of the country, and 15 Greek papers and magazines were distributed throughout the south; these dailies and weeklies had very small circulation figures.

The Albanian Radio and Television (RTSh) was the sole public broadcaster (30 percent of its budget came from the Government, 70 percent from private sources), and it continued to devote most of its coverage to the Government. RTSh includes a

national television channel and a national radio channel. National radio operated a foreign language service that broadcasted in seven languages, including Greek.

Television was highly influential; approximately 80 percent of the public obtained its news and information from television. Television programming included some responsible journalism; however, political affiliation was pervasive in programming. Despite some improvements, the majority of stations were one-sided in their political coverage.

The National Council of Radio and Television (NCRT)--a seven-member bipartisan body elected by the Parliament, with one appointment by the President--governed broadcasting issues. The chairman of the Council resigned in the summer, citing pressure from powerful broadcasters.

Unlike in previous years, physical violence was not used against journalists.

In January, two reporters of Top Channel were detained briefly for secretly filming the Prime Minister in the public domain.

In February, security forces detained two ALSAT TV journalists for several hours and confiscated their videotape of the Prime Minister visiting a hospital.

Unlike in previous years, no television licenses were revoked for political reasons.

In May, a group of journalists and editors issued a press release in which they raised concerns about the Government's efforts to restrict press freedom. They argued that the Government's arbitrary use of financial audits and lawsuits against journalists restricted freedom of the press; however, the Government's position was that the complaints were generated by ire at more effective tax collection.

Journalists also raised complaints about direct or indirect censorship by their publishers or editors because of political or commercial pressure or interests. The absence of employment contracts for many journalists was cited as a frequent hindrance to unconstrained reporting. Some media outlets complained that increased frequency of tax auditing conducted at their offices was in retaliation for reporting critical of government policies. From March to May and again in September, the tax

auditing office conducted tax inspections of the newspaper Koha Jone.

Libel carries criminal sentences, from a fine to 2 years imprisonment. There were a number of high-profile libel suits during the year involving politicians and well-known journalists. For example, in January, Prime Minister Nano sued the publisher and Member of Parliament Nikolle Lesi for libel for claims published in an edition of his newspaper, Koha Jone, alleging that the Prime Minister inappropriately awarded himself and his advisers an additional 5 months worth of salary. The first instance court ruled in favor of the Prime Minister; however the case was pending hearing in the appellate court at year's end.

In May, the Xhoana Nano, the wife of the Prime Minister, lodged a request with the High Court to lift the parliamentary immunity of Nikolle Lesi in order to pursue criminal charges against him for publishing unflattering stories about her in his newspaper, Koha Jone. In September, the High Court ruled in favor of the Prime Minister's spouse; however, in November, Parliament reversed the decision.

Former Minister of Youth, Culture, and Sport Arta Dade and Minister of Local Government Ben Blushi sued Democratic Party Chairman Sali Berisha for libel, and the publishing company that owns the magazine Spekter sued columnist Fatos Lubonja for libel; Lubonja previously wrote for the magazine. These cases were pending in the Tirana District Court or Court of Appeals at year's end. In December, the Chairman of the New Democrat Party, Genc Pollo, won a libel case against Farudin Arapi, Chairman of the Pyramid Schemes Assets Commission.

In July, the Democratic Party of Albania cancelled private NEWS 24 TV's accreditation with the party and denied it access to the party's headquarters for allegedly providing biased reporting. The AHC denounced the decision as a violation of the Constitution. The case was pending at year's end.

The Government did not restrict access to the Internet; however, Internet access remained limited especially outside the capital. The Government at times restricted academic freedom. For example, Professor Doka was dismissed as chief of the University of Tirana's Geography Department for having an "antinationalistic approach in his work" for publishing an atlas which broadened the geographical minority zones. The Government

also, after initial availability, banned publication of the atlas.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respected this right in practice.

The law requires organizers to notify state police about gatherings in public places 3 days before the protests. The police may refuse to permit them only for reasons of national security and public security, the prevention of terrorist acts, the prevention of crime, the protection of health or morals, or for traffic reasons; there were no reports that such denials were made arbitrarily.

There were a few instances where the police maltreated protesters during the year. In April, protesters clashed with police over the compensation of former political prisoners and victims of political persecution for their unpaid labor during their imprisonment or persecution; many protesters were taken into custody and detained at the police commissariat for several hours. Police did not press charges.

During the year, Mjaft, a civic youth movement, organized several protests and frequently encountered problems with police over permission to protest. The police pressed charges against some Mjaft organizers, but no trial had begun by the year's end.

The Constitution provides for the right of association, and the Government generally respected this right; however, the Constitution prohibits the formation of any political party or organization that is totalitarian; incites and supports racial, religious, or ethnic hatred; uses violence to take power or influence state policies; or is nontransparent or secretive in character (see Section 3). There were no reports that this provision was used against any group during the year.

c. Freedom of Religion

The Constitution provides for freedom of religion and the Government generally respected this right in practice. There is no official religion, and all religions are equal; however, the predominant religious communities (Sunni Muslim, Bektashi Muslim, Orthodox, and Roman Catholic) enjoy a greater degree of official recognition (e.g., national holidays) and social status based on their historical presence in the country. Religious

movements may acquire the official status of a juridical person by registering with the Tirana District Court under the Law on Non-Profit Organizations, which recognizes the status of a nonprofit association regardless of whether the organization has a cultural, recreational, religious, or humanitarian character.

While the Government does not require registration or licensing of religious groups, the State Committee on Cults keeps records and statistics on foreign religious organizations that contact it for assistance.

The Albanian Evangelical Alliance, an association of approximately 97 Protestant churches, complained that it had encountered administrative obstacles to accessing the media. However, Evangelical Alliance representatives stated that it was not clear whether the limited access was due to the organization's small size or its religious affiliations. Religion was not taught in public schools. There is no law restricting the demonstration of religious affiliations in public schools; however, some students were not allowed to do so in practice. According to the Ministry of Education, there were 14 religious schools in the country, with approximately 2,600 students.

In 2003, a male Muslim student was prohibited from having his diploma photograph taken because he had a beard. The student was eventually permitted to graduate through the intervention of the Office of the People's Advocate.

The Government failed to return to the various religious communities all of the properties and religious objects that were confiscated under the Communist regime in 1967. In cases where religious buildings were returned, the Government often did not return the land surrounding the buildings or provide comparable compensation. In addition, the Government did not have the resources to compensate churches adequately for the extensive damage that many religious properties suffered.

The Orthodox Autocephalous Church of Albania complained that, in addition to problems in recovering property, it also had difficulty in retrieving some religious icons from the Government for restoration and safekeeping and reported some isolated incidents of vandalism to the churches and crosses.

In June, Kastriot Myftari, author of the book "Albanian National Islamism," was acquitted of all charges of inciting religious hatred.

Relations among the various religious groups were generally amicable. However, representatives of the country's Orthodox Church noted that some churches, crosses and other buildings, were the targets of vandalism, although these incidents were isolated and believed to be the result of the country's weak public order rather than due to religious intolerance. At year's end, the investigation into the 2003 killing of former General Secretary of the Islamic Community Sali Tivari was ongoing.

Unlike in previous years, the Bektashi community did not experience intimidation, threats, vandalism, and violence.

For a more detailed discussion, see the 2004 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice.

As a result of significant internal migration, many citizens no longer had local registration and status, which led to a loss of access to basic services such as education and medical care. In many educational institutions, students must have, among other documents, an official document from district authorities that acknowledges they are inhabitants of the district. The lack of these documents prevented many students from attending school, with the Roma community especially affected.

There was little progress on the Ministry of Local Government's project to create a standardized national identification document.

The Constitution prohibits forced exile, and the Government did not employ it.

The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. In practice, the Government provided protection against refoulement, the return of person to a country where they feared persecution. The Government granted refugee status or asylum. The Government also provided temporary protection to individuals who may not qualify as refugees or asylees under the 1951 Convention/1967 Protocol;

this was done for approximately 17 individuals. There is an appeals procedure, but it was not functioning during the year.

The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. The UNHCR, through the state-run National Reception Center for Asylum Seekers, provided social and legal service, health care coverage, insurance, and limited training support for the country's small refugee community and coordinated further assistance through a network of NGOs.

In April, together with international organizations (UNHCR, the International Organization for Migration (IOM), the Organization of Security and Cooperation in Europe (OSCE)), the Government, through the European Union's CARDS Program, extended the prescreening program to illegal immigrants stopped at all border crossing points.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic elections held on the basis of universal suffrage.

Although municipal elections in 2003 resulted in several reruns, overall the elections met basic democratic standards and the police, leadership of the electoral campaigns, some local election officials, and electoral institutions performed their duties well. However, the elections were marred by repeated refusals of the political leadership of the two main parties to accept unfavorable results. The OSCE and the Office of Democratic Institutions and Human Rights (ODIHR) recommendations on the municipal elections called for setting up of a parliamentary bipartisan commission that would address shortcomings in the election system. From July to December, the bipartisan commission addressed the shortcomings connected with the Central Electoral Commission, voter's list, vote counting procedures, and party financing, among others, to prepare for the upcoming general election in the summer of 2005. The bipartisan commission's proposed amendments to the electoral code were pending approval by Parliament at year's end.

Several political parties participated in the political system; the Socialist Party (SP) and the Democratic Party (DP) were the

two largest and held a majority of the seats in Parliament. The SP, formed from the former Communist Party (known as the Party of Labor) in 1991, led the governing party during the year. Its coalition included the HRUP, the Social Democratic Party, Agrarian Party, the Democratic Alliance Party and the Social Democracy Party. SP Party Chairman, Fatos Nano, also served as Prime Minister. The DP, led by former President Sali Berisha, was the primary opposition party in the country.

A political party must apply to the Tirana District Court for registration and declare an aim or purpose that is not anticonstitutional or otherwise contrary to law, describe its organizational structure, and account for all public and private funds it receives. Registration was granted routinely; however, in April, the Motherland Party, composed of members from the Muslim community, was refused registration. The founders of the party reapplied and in November registration was granted.

Corruption remained a major obstacle to meaningful reform in the country. The Government has created a special ministerial position to tackle corruption issues, and also enacted new anticorruption legislation. In 2003, the High Inspectorate for the Declaration and Audit of Assets (HIDAA) was established to oversee the financial disclosures of public officials. Of the 4,160 declaration forms that HIDAA reviewed during the year, only 2 cases were referred to the prosecutor's office for further criminal investigation. However, in the absence of a national conflict of interest law, senior government officials continued to hold public offices even when it appeared to be in conflict with their private business interests. During the year, the prosecutor's office dealt with 376 cases of government officials accused of abuse of authority and other types of corruption; however, no major punishments were issued in the cases. In August, Management System International (MSI) issued a survey that reported that 94 percent of the general public and 90 percent of business managers believed that corruption among public officials was widespread.

The Constitution guarantees the right to access of information; according to the Access-to-Information Law, all citizens, including foreign media, have the right to obtain information about the activities of government bodies, and of persons who exercise official state functions. Under this law, persons in offices with public authority are obligated to release all information, official documents, except classified documents, state secrets, etc. However, this law has not been fully implemented and access to information for citizens and

noncitizens remained a problem. For example, a local NGO filed charges against the Ministry of Education because it denied access to requested information. The trial continued at year's end.

There were 9 women in the 140-seat Parliament. There was only one woman in the Cabinet, the Minister of Integration. The major political parties had women's organizations, and women served on their central committees; however, overall, women were very poorly represented in the central and local governments, and few were elected to public office at any level. During the 2003 municipal government elections, fewer than 3 percent of all candidates were women.

Several members of the Greek minority served in both the Parliament and the executive branch in ministerial and sub-ministerial positions, and there was 1 member of the Vlach minority in the 140-seat Parliament. No other minorities were thought to be represented in Parliament or the Cabinet.

Family voting occurred everywhere, but it was more common in rural areas.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were increasingly cooperative and responsive to their views; however, in some areas--such as violence against women, including domestic violence, and children's issues--little progress was made. There were several domestic NGOs active in addressing human rights problems. Despite the assistance of international donors, the work of these organizations was hampered by a shortage of funds and equipment.

There were no reports of government restrictions on the activities of domestic human rights NGOs. The AHC monitored human rights issues as they related to minorities, security forces, the judiciary, and elections. The AHRG, in addition to offering legal assistance, ran a complaint center and conducted police training. Both organizations operated independently from the Government and often issued press releases and reports calling for government action. The CRCA was the only organization that monitored children's rights in the country.

The NGO Citizen's Advocacy Office (CAO), served as a corruption watchdog and investigative unit; citizens could call the CAO hotline to report corruption in government.

The Government cooperated with international organizations, such as the UNHCR, the IOM, and the ICRC, and did not restrict their access to the country.

The People's Advocate investigated inappropriate, inadequate, or illegal actions on the part of the Government. Although it lacked the power to enforce decisions, the People's Advocate acted as a watchdog for human rights violations. Its most common cases included citizen complaints of police and military abuse of power, lack of enforcement of court judgments in civil cases, wrongful dismissal, and land disputes (see Sections 1.c. and 1.e.). In many cases, the Government took concrete steps to correct problems in response to the findings of the People's Advocate; however, disputes between the People's Advocate and the Prosecutor General hampered cooperation.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on sex, race, ethnicity, or language; however, discrimination against women and Roma minority groups persisted.

Women

There was no legislation specifically addressing violence against women or domestic violence; however, violence against women and spousal abuse remained serious problems. In the country's traditionally male-dominated society, cultural acceptance and lax police response resulted in most abuse going unreported. Rape is punishable by law, as is spousal rape; however, in practice, spousal rape was not reported or prosecuted. The concepts of spousal rape and sexual harassment were not well established, and, consequently, such acts often were not considered crimes by authorities or the public. For this reason, it was difficult to quantify the number of women who have experienced rape, domestic violence, or sexual harassment; however, the Counseling Center for Women and Girls noted that, in 2002, its Tirana hotline received 80 to 100 calls per month from women reporting some form of violence. A 1999 poll conducted by the NGO Advice Center for Women and Girls showed that 64 percent of women surveyed had experienced some

form of physical, emotional, or sexual abuse; later statistics were not available.

An NGO maintained a shelter in Tirana for abused women, although the facility had the capacity to house only a few victims at a time. The same NGO also operated a hotline that provided advice and counseling to women and girls.

The law prohibits prostitution; however, it was a problem. Trafficking in women and children remained a problem (see Section 5, Trafficking).

Many men, particularly those from the northeastern part of the country, still followed the traditional unwritten code--the kanun--in which, according to some interpretations, women are considered to be, and were treated as, chattel. Under the kanun, some interpretations dictate that a woman's duty is to serve her husband and to be subordinate to him in all matters.

The February killing of a 21-year old young woman by her father for alleged tardiness and the father's subsequent sentence of fewer than 2 years' imprisonment received much attention from the media and the NGO community; however, the case was not appealed.

Women were not excluded, by law or in practice, from any occupation; however, they were not well represented at the highest levels of their fields. The Labor Code mandates equal pay for equal work; however, this provision was not fully implemented, although women continued gradually to gain economic power. Women enjoyed equal access to higher education, but they were not accorded full and equal opportunity in their careers, and well-educated women were often underemployed or worked outside their field of training.

In July, Parliament approved a new Law on Gender Equality which guarantees equal rights for men and women, promotes equal opportunities in order to eliminate direct and indirect discrimination, and defines responsibilities for drafting of governmental policies promoting gender equality. However, some NGOs criticized the new law as poorly written and inadequately financed. Under the law, the Government's State Committee on Equal Opportunity was tasked with drafting, promoting and monitoring gender equality programs for the entire country. However, the Committee was underfunded and lacked political influence. The new law also created an advisory body, the Inter-Ministerial Committee on Gender Equality.

Various NGOs worked to promote women's rights. Some of these groups successfully promoted public awareness regarding domestic violence and implemented programs to empower women; however, their ability to lobby the Government and other prominent individuals to institute actual change in government policies and practices regarding women's issues remained limited.

Children

The Government's commitment to children's rights and welfare is codified in domestic law; however, in practice, there was limited commitment.

The law provides for the right to 9 years of free education and also authorizes private schools. School attendance was mandatory through the ninth grade (or until age 16, whichever came first); however, in practice, many children left school earlier than allowed by law in order to work with their families, especially in rural areas (see Section 6.d). Parents had to pay for supplies, books, school materials, and space heaters for some classrooms, which was prohibitively expensive for many families. The lack of proper documents--many of which were lost due to internal migration--prevented many students from attending school (see Section 2.d.). The CRCA estimated that only 62 percent of girls who finished primary schools continued on to high school; the percentage was significantly higher for boys, but figures were not available at year's end. According to UNICEF, the primary school attendance rate for all children ages 7 to 14 years was 90 percent. The net primary school enrollment rate was 97 percent for both boys and girls.

Equal access to medical care was available in principle for both boys and girls; however, a high level of bribery in the medical care system sometimes limited access.

After a decade of significant internal migration, high civil registration fees have prevented many citizens from registering with authorities in their actual places of residence. As a result, children born to these individuals have no birth certificates or other legal documentation. The law requires parents who do not register their children within 30 days of the child's birth to go to court, where fines for not being properly registered in the first place are likely to be incurred. Thus, the country has a large--and growing--population of vulnerable, unregistered children, who are at risk for trafficking or exploitation, particularly from the Roma community.

According to statistics for the year issued by the National Reconciliation Committee, as many as 160 children remained endangered by blood feuds involving their families; 73 of those children were considered to be living in especially dangerous circumstances (see Section 1.a.).

Child abuse, including sexual abuse, was rarely reported; however, authorities and NGOs believed that it was prevalent. According to the Ministry of Public Order, 25 cases of sex crimes against children were reported during the year. Trafficking in children, although not widespread, was problematic (see Section 5, Trafficking). In a few cases, criminals kidnapped children from families or orphanages to be sold to prostitution or pedophilia rings abroad and there were reports that some families sold their children to traffickers (see Section 5, Trafficking).

Child labor remained a major problem. NGOs estimated that there were approximately 50,000 children working part time or full time. There is no legislation or government policies that regulates this concern (see Section 6.d.).

Homeless, displaced or street children remained a problem, especially among Roma children. Roma children lived in extreme poverty throughout the country. They begged in the street or did other petty work, and many immigrated to neighboring countries, especially during the summer.

There is no state authority responsible for children's issues. Since July, the State Committee of Equal Opportunity, which supplanted the State Committee for Women and Family, no longer had a mandate over children's issues.

Various NGOs and international organizations worked on issues related to trafficking of children. In addition, Save the Children created an early childhood development program; Catholic Relief Services sponsored after-school programs and promoted greater community involvement in the education system, and UNICEF worked to develop a juvenile justice system.

Trafficking in Persons

The law criminalizes trafficking in persons and provides penalties for traffickers; however, trafficking in persons, particularly women and children, remained a problem. Police corruption and involvement in trafficking was a problem.

According to the Criminal Code, the penalties for human trafficking for sexual exploitation or forced labor are: Trafficking in persons (5 to 15 years in prison); trafficking of women for prostitution (7 to 15 years in prison); and trafficking in minors (15 to 20 years in prison). Aggravating circumstances, such as kidnapping or death, can increase the severity of the sentence to a maximum term of life in prison.

In February, Parliament approved the addition of fines to the existing penalties: Those convicted of exploitation for prostitution of a minor are fined \$4,000 to \$6,000 (400,000 to 600,000 lek); for women, the fine is \$3,000 to \$6,000 (300,000 to 600,000 lek). In addition, the amended Penal Code states that any government official or public servant convicted of exploitation for prostitution faces 125 percent of the standard penalty. In October, Parliament approved a new law that mandates the sequestration and confiscation of assets if their source comes from organized crime and trafficking.

The prosecution of traffickers remained a problem; traffickers who were arrested often were released because of insufficient evidence, and, if prosecuted, they often were charged for lesser crimes or were given less than the minimum sentence for trafficking. During the year, according to the Prosecutor's Office, there were 234 ongoing trafficking in persons cases and 362 individuals were convicted of trafficking in persons during the year. For example, two pimps, who mistreated a girl from Tirana and trafficked her to Italy to work as a prostitute, were sentenced to 17 and 19 years imprisonment.

In 2003, police arrested several servicemen on suspicion of raping and trafficking a 16-year-old girl; the girl was smuggled onto the Bishti i Palles naval base to have sex with conscripted sailors and held in a semi-abandoned building on the base for two months and repeatedly raped before she was trafficked to Kosovo. A total of 11 officers and noncommissioned officers--including the 7 participants--were suspended or reassigned. Prosecutors dropped charges against one of the girl's alleged traffickers in August, and the trial of eight sailors and two civilians began in October. Two other individuals allegedly involved have not yet been formally charged.

The 2003 case against operators of a child trafficking ring in Durres, involving a port custom officer and the head of local SHISH office, had not gone to trial by the year's end.

In August, a regional antitrafficking sweep organized through the Southeast European Cooperative Initiative Center called Mirage III, resulted in 125 arrests for various forms of trafficking, prostitution, and smuggling. At year's end, 65 suspects remained incarcerated.

In March, Parliament passed a witness protection law; although the law entered into force in November, the Government did not implement it by year's end. This impeded the Government's ability to build strong cases against traffickers, although cooperation from the international community led to the relocation and protection of three witnesses outside of the country during the year. Victims often did not identify themselves as trafficked persons and were unwilling to testify, due to fear of retribution from traffickers and distrust of the police. Cooperation between the police and prosecutors remained weak.

The country was both a source and a transit country primarily for women and children trafficked for the purposes of sexual exploitation and forced labor, including begging. To a lesser extent than in previous years, the country served as a transit route for trafficked women and girls. Most trafficked women and girls were transported to Italy, Greece, and--to a lesser extent--other European countries, such as Belgium, France, the United Kingdom, the Netherlands and Norway. There was a significant increase in the trafficking of children to Kosovo for exploitation as beggars and for sexual purposes. Traffickers largely used overland routes such as Albania-Macedonia-Greece or Albania-Montenegro or falsified documents to transport their victims via plane or ferry. Internal trafficking increased significantly during the year.

According to the Ministry of Public Order, there were 4,000 children trafficked from the country between 1992 and 2000. Children were generally trafficked for forced begging or sexual exploitation. Roma and Egyptian communities were particularly vulnerable due to poverty and illiteracy. Children also were trafficked for begging. Such children often were bought from families, and in a few cases were kidnapped, reportedly for begging or working abroad.

For example, in November 2003, five persons (two in Korca and three in Pogradec) received prison sentences ranging from 15 to 20 years for trafficking newborn babies to Greece. At year's end, the case had been appealed, after being transferred to the Court of Serious Crimes. Also in November 2003, there were

press reports that an Albanian family sold their 3-year-old son to an Italian man; Italian authorities subsequently arrested two persons involved in the sale.

According to the Ministry of Justice, 3,300 unaccompanied Albanian children lived in Italy, although not all were victims of trafficking. A 2002 study conducted by the NGO International Social Service reported that 1,800 unaccompanied Albanian children--many of whom were trafficking victims--lived in Greece; however, according to Terre des Hommes, a Swiss child-welfare NGO operating in the country, the number of children trafficked to Greece has declined in recent years.

Foreign women and girls in transit mostly originated from Serbia and Montenegro (Kosovo), and--to a lesser extent--Moldova, Romania, Ukraine, Russia, and Bulgaria. Traffickers typically confiscated victims' documents, physically and sexually abused them, and sometimes forced them to work as prostitutes before they left the country. Both citizens and foreign women trafficked by domestic organized crime networks were abused, tortured, and raped. Traffickers also threatened many of the victims' family members.

The main form of recruitment involved marriage under false pretenses or false promises of marriage, with the trafficker luring the victims abroad as prostitutes. Due to the poor economic situation, men and women from organized criminal groups lured many women and young girls from all over the country by promising them jobs in Italy and Greece. To a lesser extent, the selling of victims to traffickers by family members or neighbors or kidnapping, including from orphanages, occurred, particularly of Roma children.

The police often were involved directly or indirectly in trafficking. Six police officers were arrested for trafficking, but no convictions resulted and no other government officials were prosecuted for trafficking during the year. Lawyers and judges were also manipulated and bribed, permitting traffickers to buy their way out of punishment if arrested. During the year, the Ministry of Public Order's Office of Internal Control investigated only 12 cases of police involvement in all forms of trafficking.

Government services provided to trafficking victims remained very limited; however, several NGOs were active in addressing victims' needs. The IOM operated a reintegration center in Tirana that provided counseling and medical services, job

training, and some legal assistance. The Vatra Hearth Shelter, an NGO in Vlora, provided similar services. Both shelters reported that a large percentage of their caseload in 2003 and during the year involved victims deported to the country from other European countries.

IOM also had five foster care cases related to trafficking in persons during the year.

Police treatment of trafficked women continued to improve during the year. Most police stopped treating trafficked women as criminals rather than victims and routinely referred them to local and international NGOs for assistance. Foreign women who were detained at times lacked translation services or were not given a choice of lawyers.

With significant input from the NGO community, the Government prepared a Memorandum of Understanding in April to be signed with Greece regarding the repatriation of victims of child trafficking. The Greek government had not signed the agreement by year's end.

Victims of trafficking often faced significant stigmatization from their families and society. According to the Vatra Hearth Shelter, there have been many cases where victims of trafficking, minors included, have been threatened with death by their families because of their past. Government services available to trafficking victims remained limited. Re-trafficking became a significant problem, with 141 out of 291 victims sheltered at the Vatra Hearth Shelter during the year reporting that they had been trafficked at least twice previously and seven of the victims were under continuous threats from the perpetrators.

During the year, the Government prepared a national strategy to combat child trafficking; it was pending approval before the Council of Ministers by year's end.

The Vlora Antitrafficking Center, which opened in 2001, had not become fully operational, although it was used as a command post for Mirage operations. National and international NGOs carried out most of the country's trafficking awareness campaigns.

Persons with Disabilities

There was some discrimination against persons with disabilities in employment, education, access to health care, and the

provision of other state services. Widespread poverty, unregulated working conditions, and poor medical care posed significant problems for many persons with disabilities. They were eligible for various forms of public assistance; however, budgetary constraints greatly limited the amounts they actually received. No law mandates accessibility to public buildings for persons with disabilities, and little was done in this regard.

National/Racial/Ethnic Minorities

Constitutional protections against discrimination are applied to all minorities; however, societal discrimination against members of minority populations persisted, particularly members of Roma and Egyptian communities. In March, the Council of Ministers established the State Committee on Minorities. The Committee reported and represented the interests of all the minorities vis-a-vis the Government. The Committee is composed of representatives from the various national and ethnic-linguistic minorities.

According to the Minority Affairs Office, to qualify for national or ethno-linguistic minority status, a group of individuals must: Share the same language (different from Albanian), have documentation to prove its distinct ethnic origin or national identity, have distinct customs and traditions, or a link to a kinship state outside of the country. For example, the group known as Egyptians were not given minority status because they lacked some criteria, such as a distinct language and traditions, that could define them as a minority. Instead, the Egyptians were referred to as a community.

The Greeks are the largest national minority, followed by small groups of Macedonians and Montenegrins; Aromanians (Vlachs) and Roma are defined as ethno-linguistic minority groups.

The ethnic Greek minority, led by its cultural association Omonia, collectively pursued grievances with the Government regarding electoral zones, Greek-language education, property rights, and government documents. Minority leaders complained of the Government's unwillingness to recognize the possible existence of ethnic Greek towns outside communist-era "minority zones"; to utilize Greek on official documents and on public signs in ethnic Greek areas; to ascertain the size of the ethnic Greek population; and to include a higher number of ethnic Greeks in public administration.

Greek-language public elementary schools were common in much of the southern part of the country, where most ethnic Greeks lived. Every village in this zone had its own elementary-middle (9-year) school in the Greek language, regardless of the number of students, and Gjirokaster had two Greek language high schools. However, Omonia said that the ethnic Greeks needed more classes both within and outside the minority zones. The Minority Affairs Office stressed that the Government never closed a minority school or class even when the number of students dwindled as a result of graduation, migration or other factors. In 2003, Parliament passed an amendment that reauthorized the inclusion of nationality/ethnicity in the Civil Registry and internal identification, which was expected to alleviate the difficulty in proving ethnicity for future requests for minority language schools.

The Roma and the Egyptian communities were among the most politically, economically and socially neglected groups in the country. There were reports that police beat Roma and Egyptians during the year (see Section 1.c.). There were also reports of Roma and Egyptian families being displaced by police from temporary housing. In June, 51 Roma families were forced to abandon their living quarters (see Section 1.f.).

Members of the Egyptian community tended to settle in urban areas and generally were more integrated into the economy than the Roma. In addition to widespread societal discrimination, these groups generally suffered from high illiteracy, particularly among children, poor health conditions, lack of education, and marked economic disadvantages. The Government officially recognized the Roma as an ethno-linguistic rather than a national minority. By year's end, the Government had not implemented its National Strategy for the Improvement of Life Conditions of the Roma Minority. In spite of repeated denials, the Egyptian community continued to try to obtain minority status from the Government.

In 2003, the AHRG claimed that police targeted the country's homosexual community. According to the General Secretary of Gay Albania, the police often arbitrarily arrested homosexuals and then physically and verbally abused them while they were in detention. However, the police denied these charges and stated that when homosexuals were arrested, it was for violating the law--such as disturbing the peace--not for their sexual preference.

Section 6 Worker Rights

a. The Right of Association

Workers had the right to form independent trade unions, and exercised this right in practice; however, government employees are prohibited from joining unions or holding strikes. Two major federations acted as umbrella organizations for most of the country's unions: The Independent Confederation of Trade Unions of Albania (membership approximately 85,000) and the Albanian Confederation of Trade Unions (membership approximately 100,000). Both organizations experienced a continued drop in membership during the year due to unemployment and decreasing employee satisfaction with the unions. Some unions chose not to join either of the federations. No union had an official political affiliation, and the Government did not provide any financial support for unions.

The law does not prohibit antiunion discrimination; however, there were no reports of such discrimination in practice.

Unions were free to join and maintain ties with international organizations.

b. The Right to Organize and Bargain Collectively

Citizens in all fields of employment, except uniformed members of the armed forces, police officers, and some court employees, have the constitutional right to organize and bargain collectively, and the Labor Code establishes procedures for the protection of workers' rights through collective bargaining agreements; however, labor unions operated from a weak position. In practice, unions representing public sector employees negotiated directly with the Government. Effective collective bargaining remained difficult, and agreements were difficult to enforce.

The Constitution and other legislation provide that all workers, except civil servants including uniformed military, police, and some court officials, have the right to strike. The law prohibits strikes that are declared openly to be political or that are judged by the courts to be political.

In January, the employees of a Ferrous-Chromium factory in Burrel held a 12-day hunger strike to protest the nonpayment of their salaries. After intervention of the trade union, the factory paid back-salaries to the striking employees.

In April, 10 employees of the Urban Transport Park in Tirana held a 5-day hunger strike to protest illegal dismissal. The director of the park claimed that their strike violated the employment contract. However, the AHRG and Ombudsman stated that the hunger strike was legal and that the Director of the park had not abided by the Labor Code in the firing of the employees. The strike lasted 5 days. By year's end, employees were not reinstated.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution and the Labor Code prohibit forced or compulsory labor, including by children; however, such practices occurred (see Sections 5, Trafficking and 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment

The Labor Code sets the minimum age of employment at 14 years and limits the amount and type of labor that can be performed by children under the age of 16. Children between the ages of 14 and 16 legally may work in part time jobs during summer vacation. The Ministry of Labor may enforce minimum age requirements through the courts; however, there were no reports that enforcement took place. Labor inspections of factories carried out in the first half of the year found only 0.01 percent of the employees were underage. The majority of factories inspected were shoe and textile companies. More than 70 percent of the underage workers were girls. The fine for employing an underage worker was normally 20 to 30 times the monthly minimum wage of the employee. The CRCA estimated that roughly 50,000 children under the age of 18 worked either full or part time. UNICEF estimated that 23 percent of children ages 5 to 14 years in the country were working in between 1999 and 2003. Children considered to be working included those who have performed any paid or unpaid work for someone who is not a member of the household, who have performed more than 4 hours of housekeeping chores in the household, or who have performed other family work. NGOs reported that labor inspectors, who were charged with investigating child labor complaints, did not give out fines, penalties, or convictions to those who violated child labor laws.

There were young children working, some as many as 16 hours a day. According to the CRCA, the majority of child laborers

worked as street or shop vendors, beggars, farmers or shepherds, drug runners, vehicle washers, textile factory workers, shoeshine boys, or prostitutes; however, in Tirana and other cities, children--mostly Roma--worked as beggars or sold cigarettes and other items on the street; the police generally ignored this practice. The CRCA also noted that there were approximately 800 street children in Tirana. Increasing numbers of children in Tirana fell victim to prostitution and other forms of exploitation. There were reports that children were trafficked for forced labor (see Section 5, Trafficking).

e. Acceptable Conditions of Work

The legal minimum wage for all workers over the age of 16 was approximately \$110 (10,800 lek) per month, which was not sufficient to provide a decent standard of living for a worker and family. Remittances from those working abroad were vital for many families. The law provides for social assistance (income support) and unemployment compensation; however, these were very limited, both in terms of the amounts received and the number of persons actually covered. The average wage for workers in the public sector was approximately \$217 (21,325 lek) per month. Approximately 25 percent of the population lived under the official poverty line.

The Labor Code establishes a 40-hour work week; however, in practice, hours typically were set by individual or collective agreements. Many persons worked 6 days a week. By law overtime pay must be provided and there were mandated rest periods; however, these provisions were not always observed in practice.

The Government set occupational health and safety standards; however, it had limited funds to make improvements in the remaining state-owned enterprises and a limited ability to enforce standards in the private sector. Actual conditions in the workplace sometimes were very poor and in some cases dangerous. A number of job-related deaths were reported in the press during the year, particularly in the construction and mining industries. The Labor Code lists the safety obligations of employers and employees but does not provide workers with the right to leave a hazardous workplace without jeopardy to their continued employment. The Ministry of Labor and Social Affairs was responsible for enforcing health and safety regulations; however, these regulations were generally not enforced in practice.